

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UBS FINANCIAL SERVICES, INC. and :  
UBS SECURITIES LLC, :  
: Plaintiffs, :  
: :  
- v. - : 10 CV 4298 (VM)  
: :  
WEST VIRGINIA UNIVERSITY HOSPITALS, INC., : ECF Case  
UNITED HOSPITAL CENTER, INC., WEST VIRGINIA :  
UNIVERSITY HOSPITALS-EAST, INC., CITY HOSPITAL : **DECLARATION OF**  
FOUNDATION, INC., and WEST VIRGINIA UNITED : **VANESSA DE SIMONE**  
HEALTH SYSTEM, INC., :  
: Defendants. :  
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Vanessa De Simone declares:

1. I am an attorney associated with Debevoise & Plimpton LLP, counsel to Plaintiffs UBS Financial Services, Inc. and UBS Securities LLC (collectively “UBS” or “Plaintiffs”). I make this declaration based on personal knowledge, in support of UBS’s motion for a preliminary injunction.

2. On February 12, 2010, Defendants West Virginia University Hospitals, Inc., West Virginia United Health System, Inc., United Hospital Center, Inc., West Virginia University Hospitals-East, Inc., and City Hospital Foundation, Inc. (collectively “Defendants”) commenced an arbitration proceeding against Plaintiffs before the Financial Industry Regulatory Authority (“FINRA”).

3. A true and correct copy of the Statement of Claim filed by Defendants in the FINRA arbitration is attached hereto as Exhibit A.

4. FINRA notified UBS of the arbitration on April 9, 2010, and set a June 1, 2010 deadline for UBS to answer the Statement of Claim. FINRA also notified UBS that the arbitration will be held in Charleston, West Virginia. A copy of the notice from FINRA is attached hereto as Exhibit B.

5. UBS has not participated in the FINRA arbitration in any way.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 25, 2010.

s/Vanessa De Simone

Vanessa De Simone